Remark

Applicants respectfully request reconsideration of this application as amended.

No claims have been amended. Claims 1-25 have been canceled. Claims 26-73 are new.

Therefore, claims 26-73 are now presented for examination.

35 U.S.C. §102 Rejection,

Swildens

The Examiner rejected claims 1-18 and 22-25 under 35 U.S.C. § 102(e) as being

anticipated by U.S. Provisional application 60/188,142 by Swildens ("Swildens"). These

claims are canceled. Swildens sums up its process on page 10/13, fourth paragraph of the

portion entitled "Decrypting Load Balancing Array Specification" as follows: "Cookie

based scheduling will persistently map an individual user to a back end web server

regardless of whether they are using SSL or HTTP. Because the DLBA server performs

decryption, the back end web server only sees HTTP traffic." Swildens suggests that the

scheduling could be based on session ID but never describes how this might be

performed.

One downside of the Swildens approach is that an individual user will be

persistently mapped to a particular back end web server even for non-secure transactions

using HTTP. This may result in unbalanced loading because the persistent users can't be

remapped.

In contrast to Swildens, the invention of the present application determines if a

transaction is secure transaction and this determination is applied to the assignments of

servers. Claim 26, recites, for example, "determining if the session ID exists in a mapping table, if the transaction is a secure transaction." Swildens using such a determination as a condition of performing other steps. Claim 33, for example, refers to "using a load balancing algorithm to assign a server to the user request if the transaction is not a secure transaction." Accordingly, secure transactions are not treated the same as transactions that are not secure.

35 U.S.C. §103 Rejection,

Swildens in view of Freund

The Examiner rejected claims 19-21 under 35 U.S.C. § 103(a) as being unpatentable over Swildens in view of U.S. Patent No. 6,505,250 by Freund et al. ("Freund"). These claims are cancelled. Freund is cited as showing a QoS manager and accordingly, the combination does not overcome the limitations of Swildens mentioned above.

Conclusion

Applicants respectfully submit that the rejections have been overcome by the amendment and remark, and that the claims as amended are now in condition for allowance. Accordingly, Applicants respectfully request the rejections be withdrawn and the claims as amended be allowed.

Invitation for a Telephone Interview

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

Request for an Extension of Time

Applicants respectfully petition for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.
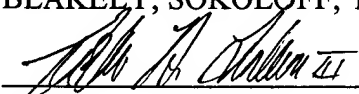
Charge our Deposit Account

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: 7/13/4

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Docket No: 42P9326
Application No: 09/675,694   14